

PATENT

BEST AVAILABLE COPYAttorney Docket No. A-70345-1/RBC/VEJ
Application No. 10/759,575**REMARKS**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 1-22, 30-32 and 51-55 are pending in the application, with claims 1, 12, 30 and 54 being the independent claims. Support for the subject matter of the amended claims is contained in the application as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 2-11, 30-32 and 51 under 35 U.S.C. §112, second paragraph as being indefinite. Applicant respectfully submits that the rejections of claims 2-11, 30-32 and 51 are overcome by the accompanying amendment thereto.

With regard to the large and small dimensions of the bore, bore 68 may be a non-cylindrical bore, in which case, bore 68 will have a large dimension (e.g., along axis 151) which is relatively larger than a small dimension (e.g., along axis 152), as shown in FIG. 14. See page 22, line 18 et seq. Such dimensions are somewhat akin but are not directly analogous to large and small diameters. The large and small dimensions of bore 68 coexist at a particular axial point along the longitudinal axis of the bore. Furthermore, the large and small dimensions of bore 68 may extend uniformly along the entire length of the bore (i.e., along the entire longitudinal axis).

In contrast, large and small diameters generally refer to different measurements along a longitudinal axis, which measurements do not coexist at any particular axial point along the longitudinal axis. For example, a countersunk hole has a large diameter along a first portion of the hole for receiving a fastener head, and a small diameter along a second portion of the hole for receiving the fastener shank.

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With regard to claim 31, the Examiner considers the term "said edge to said edge" confusing. Applicant respectfully submits that the recitation is clear when taken in context. Claim 31 calls for a bore extending from a first location to a second location. The first location is "a pocket proximate said edge". The second location is "said edge". Thus, when taken in context, the claim calls for the bore to extend from "a pocket proximate said edge" to "said edge".

Rejections under 35 U.S.C. § 102 and 103

Claims 30, 31 and 53

The Examiner has rejected claims 30, 31 and 53 under 35 U.S.C. § 102 as being anticipated by, or unpatentable over, U.S. Patent No. 4,603,719 to Durney ("the Durney patent"). The Durney patent lacks the joinery member of the present invention including a fastener receiving bore having *an elongated transverse cross section*, a longitudinal axis, a large dimension oriented to extend substantially in said one plane *substantially perpendicular to said longitudinal axis*, and a small dimension and substantially perpendicular to said large dimension and oriented to extend substantially in said another plane *and substantially perpendicular to said longitudinal axis*, as is called for by amended claim 30.

The Durney patent does not teach or suggest such a bore having an elongated transverse cross section. In fact, the Examiner correctly observes that "Durney does not disclose a non-cylindrical bore." See Office Action page 4. Instead, the Durney patent discloses a cylindrical bore 39 which is formed by a drill bit 38 mounted for movement in a direction to drill bore 39. See column 4, lines 36-41. Thus, bore 39 does not have an elongated transverse cross section and is instead cylindrical. In fact, the Durney patent reinforces the notion that bore 39 is cylindrical in that bore 39 has a diameter which substantially matches the fastener diameter. See column 4, lines 50-55.

In contrast, bore 68 of the present invention has *an elongated transverse cross section* in which a large dimension extends in one direction (e.g., along axis 151) and a small dimension extends in another direction (e.g., along axis 152). Both the large and the small dimensions

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extend in a direction that is *substantially perpendicular to the longitudinal axis of the bore*. Such an elongated transverse cross section provides a large dimension which ensures less splitting in the direction of axis 151 while the small dimension allows temporary engagement of a fastener. See, e.g., page 23, lines 1-17.

For at least these reasons, Applicant respectfully submits that the Durney patent does not anticipate independent claim 30. Applicant submits that claims 31 and 53, which depend from claim 30, are allowable over the cited art for at least the same reasons noted above.

It is noted that Applicant also respectfully traverses the Examiner's rejection based on the grounds that it would have been obvious to construct a non-cylindrical bore. Should the Examiner maintain this rejection, Applicant respectfully requests citation of a reference in support of the Examiner's position. See M.P.E.P. § 2144.03.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 2-11 and 51 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112. Applicant respectfully submits that the rejection of claims 2-11 and 51 is overcome by the accompanying amendment thereto.

Applicant also thanks the Examiner for indicating that claims 1, 12-22 and 52 are allowed.

Other Matters

Applicant respectfully submits that new claims 54 and 55 are allowable over the cited art of record. New claim 54 also calls for a joinery member including a pocket and a bore having *an elongated transverse cross section* having intersecting large and small dimensions which extend *substantially perpendicular to the longitudinal axis* of the bore. New claim 54 varies in scope from claim 34 in that the new claim calls for the bore to extend from the pocket to the end wall of the member instead of being oriented in a particular manner with the end wall.

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The art of record, including the Durney patents, fails to disclose or suggest the claimed joinery member. For at least this reason, Applicant submits that independent claim 54, and claim 55 dependant thereon, are allowable over the cited art of record.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Director is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 467127-00023; Docket No. A-70345-1/RBC/VEJ).

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

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Date: 10/15/2004

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